



CITY OF ELK GROVE

8401 LAGUNA PALMS WAY • ELK GROVE, CALIFORNIA 95758

TEL: 916.683.7111 • FAX: 916.691.3175 • www.elkgrovecity.org

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT

DATE:	March 17, 2025
TO:	Responsible and Trustee Agencies, Organizations, and Interested Parties
LEAD AGENCY:	City of Elk Grove Contact: Antonio Ablog, Planning Manager 8401 Laguna Palms Way Elk Grove, CA 95758
PROJECT:	Amendments to Municipal Code Chapter 16.130, Swainson's Hawk and Agricultural Land Impact Mitigation
APPLICANT:	City of Elk Grove
COMMENT PERIOD:	March 17, 2025 to April 16, 2025

In discharging its duties under Section 15021 of the California Environmental Quality Act (CEQA) Guidelines, the City of Elk Grove (as lead agency, hereinafter "City" or "Elk Grove") intends to prepare an Environmental Impact Report (EIR) for the **Amendments to Municipal Code Chapter 16.130, Swainson's Hawk and Agricultural Land Impact Mitigation** (the "Project"). This Project will amend the title of Municipal Code Chapter 16.130 from Swainson's Hawk Impact Mitigation Fees to Swainson's Hawk and Agricultural Land Impact Mitigation and will include multiple substantive changes as further described in the Project Description below. In accordance with Sections 15082 of the CEQA Guidelines, the City has prepared this Notice of Preparation (NOP) to provide the Office of Planning and Research, responsible and trustee agencies, and other interested parties with sufficient information describing the Project and its potential environmental effects.

The City made the determination to prepare an EIR following preliminary review of the Project. Pursuant to CEQA Guidelines Section 15063(a), because an EIR is needed, an initial study has not been prepared. Probable environmental effects of the Project are described in the attached Project summary.

As specified by the CEQA Guidelines, the NOP will be circulated for a 30-day review period. **The comment period runs from March 17, 2025 to April 16, 2025.** The City welcomes public input during the review period. If the City has not received either a response or a well-justified request for additional time by a responsible agency or the Office of Planning and Research by the end of the review period, the City may presume that each responsible and trustee agency and the Office of Planning and Research had no response to make. (CEQA Guidelines, Section 15082(b)(2).)

CEQA provides for a Lead Agency to facilitate one or more Scoping Meetings, which provide opportunity for determining the scope and content of the EIR. Traditionally, the City hosts one Scoping Meeting for agencies and the general public during the NOP comment period. A Scoping Meeting will be held on **Wednesday April 2, 2025 at 6:00 p.m.** in the City Council Chambers, located at 8400 Laguna Palms Way, Elk Grove).

Comments may also be submitted in writing during the review period and addressed to:

City of Elk Grove
Community Development Department – Planning Division
c/o Antonio Ablog
8401 Laguna Palms Way
8401 Laguna Palms Way
aablog@elkgrovecity.org

PROJECT LOCATION AND SETTING

The City is located in Sacramento County and consists of approximately 42.7 square miles within its boundary (see Figure 1). The City established a Planning Area (approximately 31,238 acres) that includes lands outside the current City limits. The Planning Area primarily consists of agricultural lands and rural residential uses and is regulated by the City's General Plan and Municipal Code. Natural open space and habitat areas near the City include the Stone Lakes National Wildlife Refuge and the Sacramento River to the west, the Cosumnes River Preserve to the south, and the Regional County Sanitation District bufferlands to the northwest. Major roadway access to the City is provided by Interstate 5 and State Route 99.

PROJECT DESCRIPTION

The Project would result in amendments to Chapter 16.130 of the City of Elk Grove Municipal Code (EGMC) to clarify the City's responsibilities as lead agency under CEQA to address and mitigate the loss of foraging habitat for the Swainson's hawk, a species listed as threatened under the California Endangered Species Act. Additionally, amendments to Chapter 16.130 of the EGMC would include the addition of agricultural land mitigation for the loss of agricultural lands.

Amendments to the EGMC include clarifications regarding the application of requirements, changes to the process of the determination of suitability of preserved foraging habitat, and amendments to address agricultural land mitigation. Proposed amendments are described in more detail below.

Authority to Implement

The Project would amend Section 16.130.040, Conditions to Authority to Implement. Amendments include providing the Development Services Director, or their designee, authorization to implement the provisions of the Ordinance. Additionally, Section 16.130.040(B) would state that nothing would, "preclude the City Council's consideration or approval of any alternative impact mitigation fee structure, any mitigation properties, or any other means of mitigating a significant impact or significant cumulative impact on Swainson's Hawk foraging habitat or agricultural resources, or to limit the City Council's authority to override mitigation measures for reasons permitted by CEQA."

Determination of Suitability for Foraging Habitat

The Project would include a new Section 16.30.100 of the Ordinance titled, "Swainson's Hawk Foraging Habitat Mitigation." Amendments would include City approval of the location of mitigation parcels; requirements for the location of mitigation parcels to support Swainson's hawk be based on substantial evidence; the legal agreement to be recorded and prohibit activity that would diminish the land's capability to support Swainson's hawk foraging habitat; requirements for the land to be protected through a fee title or conservation easement suitable to the City; and establishment of a mitigation monitoring fee to be determined by the Elk Grove City Council. Revisions also include removal of approval of the California Department of Fish and Wildlife (CDFW) from this section of the EGMC. The Project would remove Section 16.130.040(C) from the Ordinance.

Agricultural Mitigation

The Project would include a new Section 16.30.200 of the Ordinance titled, "Agricultural Land Mitigation." Section 16.30.200(A) would include a mitigation obligation for projects that would impact significant agricultural land, such that projects that must mitigate for the loss of agricultural land at a ratio of 1:1. Section 16.30.200(B) would establish a mitigation measure for reducing impacts to agricultural land to less than significant. The mitigation measure would include protection of farmland in Sacramento County, or otherwise approved by the City, at a 1:1 ratio. The amendments include utilization of the protected farmland for compatible wildlife habitat conservation, consideration of the co-benefits of preserving farmland in proximity to other protected land, and timing for when preservation shall be completed. The Section includes minimum conservation easement content standards to be applied to preserved farmland as mitigation. Section 16.30.200(C) establishes that projects also requiring mitigation for impacts to Swainson's hawk may satisfy the mitigation requirement through the payment of Swainson's hawk mitigation fee,

such that the fee and corresponding mitigation credits are equivalent to the obligations of the mitigation measure and address both Swainson’s hawk and agricultural impacts.

PROBABLE ENVIRONMENTAL EFFECTS

The EIR will evaluate whether implementing the proposed Project would potentially result in one or more significant environmental effects. The following issue areas will be addressed in the EIR:

- ▶ Aesthetics
- ▶ Agriculture Resources
- ▶ Biological Resources
- ▶ Tribal Cultural Resources

Issues Scoped Out from Analysis in the EIR

The City has determined that the Project would have no significant impacts on the following environmental issue areas. These areas will not be discussed in the EIR for the reasons discussed below.

Forestry Resources

No forestry resources or timberlands are in the City or its Planning Area. Therefore, there would be no impacts related to forestry resources, and this issue will not be discussed in the EIR.

Air Quality, Greenhouse Gas, and Energy

The Project would not result in land use disturbance or a change in the City’s urban footprint. There would be no construction or operational emissions associated with the Project or energy associated with the Project. Therefore, there would be no significant impacts related to air quality, greenhouse gas emissions, and energy and this issue will not be discussed in the EIR.

Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, and Hydrology and Water Quality

The Project would not result in land use disturbance or a change in the City’s urban footprint. There would be no change in the City’s planned development footprint. Therefore, there would be no significant impacts related to cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality and this issue will not be discussed in the EIR.

Land Use and Planning

The Project would not result in a change to the extent or character of land uses in the City. This issue will not be discussed in the EIR.

Noise

The Project would not result in a change to the extent or character of land uses in the City. There would be no new noise sources or an increase in existing noise sources in the City from the Project. Therefore, there would be no significant impacts related to noise and this issue will not be discussed in the EIR.

Mineral Resources

No significant mineral resources have been identified in the City. Therefore, there would not be no impacts related to mineral resources, and this issue will not be discussed in the EIR.

Population and Housing, Public Services, and Recreation

The Project would include amendments to the EGMC. The Project would not include new housing, displace existing housing or people, or result in population growth. The Project would not contribute to unplanned population growth and would not include any new housing that would increase the need for public services and recreation or demand for new public services and recreation. Therefore, there would be no significant impacts related to population and housing, public services, and recreation and this issue will not be discussed in the EIR.

Transportation

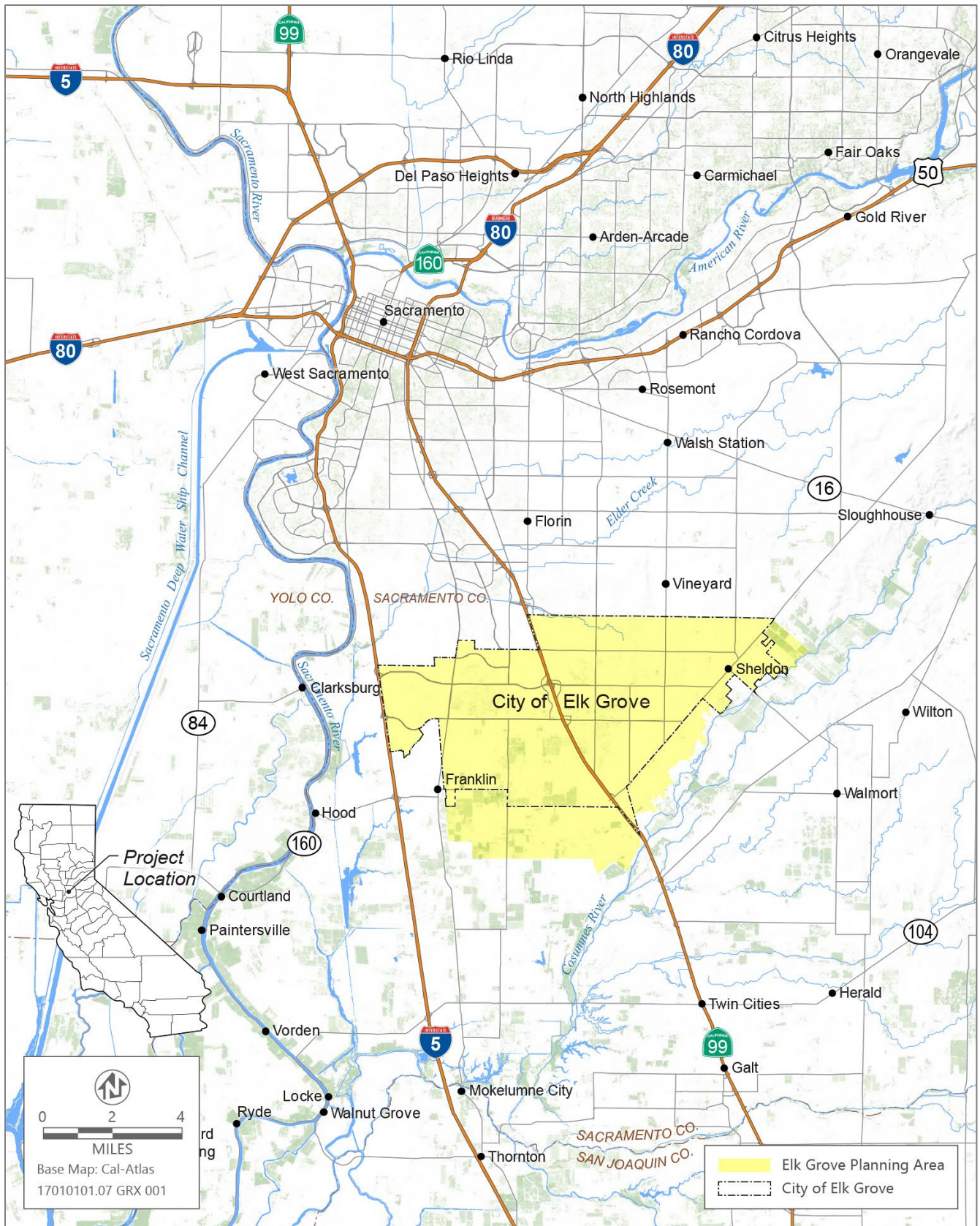
The Project would not contribute to unplanned population growth and would not include any new housing that would increase vehicle trips in the City or result in the need for new or improved alternative transportation. Therefore, there would be no impacts related to transportation, and this issue will not be discussed in the EIR.

Utilities and Service Systems

The Project would not contribute to unplanned population growth and would not include any new housing that would increase water demand, result in increased solid waste generation, or result in the need for expanded utilities. Therefore, there would be no impacts related to utilities and service systems, and this issue will not be discussed in the EIR.

Wildfire

The City is not located in or near a Very High Fire Hazard Severity Zone. Therefore, there would be no significant impacts related to wildfire, and this issue will not be discussed in the EIR.



Source: Ascent Environmental 2024

Figure 1 Project Site